

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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MADL PA,

Plaintiff,

Court File No.: 24-mc-00050-TNL

v.

DELOITTE CONSULTING LLP and  
DELOITTE DEVELOPMENT LLC,

Defendants.

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**DECLARATION OF ANDREW E.  
RUSSELL IN SUPPORT OF  
DELOITTE’S ANSWERING BRIEF  
IN OPPOSITION TO MADL PA’S  
MOTION TO QUASH SUBPOENA**

I, Andrew E. Russell, state and declare as follows:

1. I am a partner at the law firm of Shaw Keller LLP, and serve as counsel for Defendants Deloitte Consulting LLP and Deloitte Development LLC (“Deloitte”) in the above-captioned case. I have been admitted *pro hac vice* to practice before this Court in this action. I have personal knowledge of the matters set forth in this declaration and if called as a witness, I could and would testify competently to them under oath.

2. I attended the meet-and-confer regarding Madl PA’s (“Madl”) motion to quash that was referred to in the declaration accompanying the motion. Dkt. No. 7, ¶¶ 12-13.

3. I explained during the meet-and-confer that Deloitte is not seeking re-production of material that has already been completely produced that Deloitte is willing to work with Madl to reduce the need for such duplicate production.

4. During the meet-and-confer, counsel did not discuss whether the subpoena should be quashed for failing to provide a reasonable time to comply.

5. During the meet-and-confer, I volunteered that Deloitte was willing to work with Madel regarding the compliance deadline, and explained that Deloitte's primary concern was to receive the documents by mid-November in advance of the parties' scheduled mediation.

6. Attached hereto as Exhibit 1 is a true and correct copy of the Complaint in the underlying action, *Deloitte Consulting LLP v. Sagitec Solutions LLC*, C.A. No. 23-325-WCB, Dkt. No. 1 (D. Del. Mar. 23, 2023), without exhibits.

7. Attached hereto as Exhibit 2 is a true and correct copy of the Confidential Draft Report (Oct. 13, 2020), with highlighting added and without exhibits.

8. Attached hereto as Exhibit 3 is a true and correct copy of the Deposition Transcript of Ranjith Kocherlakota, dated July 31, 2024, with highlighting added.

9. Attached hereto as Exhibit 4 is a true and correct copy of Deloitte's Notice of Deposition of Defendant Sagitec Solutions LLC Pursuant to Federal Rule of Civil Procedure 30(b)(6), with highlighting added.

10. Attached hereto as Exhibit 5 is a true and correct copy of a July 17, 2019 engagement letter between Sagitec and Madel, with highlighting added.

11. Attached hereto as Exhibit 6 is a true and correct copy of Sagitec's May 31, 2024 Second Supplemented Responses to Plaintiffs' Second Set of Interrogatories, with highlighting added.

12. Attached hereto as Exhibit 7 is a true and correct copy of an October 7, 2024 Email from R. Olson to N. Teleky, with highlighting added.

13. Attached hereto as Exhibit 8 is a true and correct copy of an October 10, 2024

Email from R. Olson to S. Kim, with highlighting added.

14. Attached hereto as Exhibit 9 is a true and correct copy of Sagitec's May 31, 2024 Second Supplemented Responses to Plaintiffs' First Set of Interrogatories, with highlighting added.

15. Attached hereto as Exhibit 10 is a true and correct copy of a March 22, 2022 E-mail from C. Madel, which was Exhibit 39 to the Deposition Transcript of Ranjith Kocherlakota, with highlighting added.

16. Attached hereto as Exhibit 11 is a true and correct copy of a May 6, 2024 e-mail chain, with highlighting added.

17. Attached hereto as Exhibit 12 is a true and correct copy of a letter entitled "Preservation of Information and Documents" from Timothy Keller to custodians at Sagitec, with highlighting added.

18. Attached hereto as Exhibit 13 is a true and correct copy of the Stipulated Protective Order from *Deloitte Consulting LLP v. Sagitec Solutions, LLC*, C.A. No. 23-325-WCB (D. Del.).

19. Deloitte and Madel have agreed that the protections of the Stipulated Protective Order in the underlying case, attached hereto as Exhibit 13, shall apply and be fully binding in this matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed by me on October 30, 2024, in Wilmington, Delaware.

/s/ Andrew E. Russell  
Andrew E. Russell